

DECISION

29133

**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D. C. 20548**

FILE: B-215927

DATE: August 21, 1984

MATTER OF: Starflight, Inc.

DIGEST:

A transportation overcharge claim by the General Services Administration generally is not reviewable by the GAO until the disputed amount has been recovered by the government.

Starflight, Inc. (Starflight), requests review of the audit action by the General Services Administration (GSA) on a shipment of class "B" explosives, weighing 68 pounds, from Indian Head, Maryland, to Panama City, Florida, under government bill of lading No. S-5,660,256, dated March 17, 1983.

We dismiss the request for review.

The record does not indicate that the amount of the asserted overcharge has been recovered by the government, either by voluntary refund by Starflight or by administrative setoff. An overcharge claim by GSA is not reviewable by our Office under section 322 of the Transportation Act of 1940, 31 U.S.C. § 3726(d) (1982), as implemented by our regulations, 4 C.F.R. § 53 (1984), until the disputed amount has been recovered. Starflight, Inc., B-213773, July 23, 1984, 84-2 C.P.D. ¶ _____. The request for review is, therefore, premature and will not be considered.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel

029810